

Return date: July 19, 2023

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORP.,

Plaintiff,

v.

BERNARD L. MADOFF INV. SEC. LLC,

Defendant

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively consolidated)

Irving Picard, Trustee,

Plaintiff

v.

Martin Sage and Sybil Sage,

Defendants

Adv. P. No. 23-01098 (CJM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendants Martin and Sybil Sage, on the accompanying Memorandum of Law, move to dismiss this adversary proceeding pursuant to Fed. R. Civ. P. 12(b)(6), made applicable by Fed. Bank. R. 7012, on the grounds that it was untimely filed beyond the one-year period specified in the applicable statute of limitations, Bankruptcy Code Section 550(f)(1).

PLEASE TAKE FURTHER NOTICE that the return date for this motion is the omnibus hearing date fixed by the Court for these type of cases on July 19, 2023.

PLEASE TAKE FURTHER NOTICE that any response to this motion shall, unless otherwise ordered by the Court, be filed in accordance with the time period fixed by Local Rule 9006-1(b).

Washington, DC
May 24, 2023

Respectfully submitted,

By: /s/ Richard A. Kirby

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